

FILED

JUN 18 2008

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIAPOSTED ON WEBSITE  
NOT FOR PUBLICATIONUNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA

In re: ) Case No. 06-22225-D-7  
 )  
 BETSEY WARREN LEBBOS, )  
 )  
 Debtor. )

ACTING UNITED STATES TRUSTEE )  
 SARA L. KISTLER, ) Adv. Pro. No. 08-2072-D  
 )  
 Plaintiff, ) Docket Control No.:  
 ) None given  
 v. )  
 )  
 BETSEY WARREN LEBBOS, )  
 )  
 Defendant. )

This memorandum decision is not approved for publication and may not be cited except when relevant under the doctrine of law of the case or the rules of claim preclusion or issue preclusion.

MEMORANDUM DECISION

On June 6, 2008, Betsey Warren Lebbos, the defendant in this adversary proceeding, filed an Affidavit to Disqualify The Honorable Robert Bardwil ("the Motion"), by which she seeks the recusal of the undersigned as the judge in this adversary proceeding. The defendant has previously sought the disqualification of the undersigned in her parent bankruptcy case and in another adversary proceeding, Schuetzte v. Lebbos, Adv. No. 07-2006. Her requests have been denied.

The court has reviewed the Motion and concludes that it is grounded on the defendant's dissatisfaction with the court's

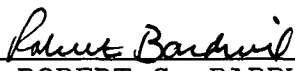
1 prior rulings in the parent case and in Schuetz v. Lebbos. The  
2 cases are uniform that a "judge's adverse rulings in the course  
3 of a judicial proceeding almost never constitute a valid basis  
4 for disqualification based on bias or partiality." 12 James Wm.  
5 Moore, Moore's Fed. Practice § 63.21[4], at 63-39 (3d. ed. 2006)  
6 (citing cases); see also Liteky v. United States, 510 U.S. 540,  
7 554-55 (1994).

8 Further, the court remains persuaded, as it was on the  
9 defendant's earlier requests for disqualification, that the court  
10 is unbiased and impartial. The court also cannot find that "a  
11 reasonable person with knowledge of all of the facts would  
12 conclude that the judge's impartiality might reasonably be  
13 questioned'." See In re Georgetown Park Apts., Ltd., 143 B.R.  
14 557, 559 (B.A.P. 9th Cir. 1992), quoting United States v. Nelson,  
15 718 F.2d 315, 321 (9th Cir. 1983) (other citations omitted).

16 For the reasons stated, the court finds that the defendant  
17 has not met her burden under 28 U.S.C. § 455(a) of overcoming the  
18 presumption of impartiality and demonstrating that the  
19 impartiality of the undersigned might reasonably be questioned.  
20 Nor has she demonstrated grounds for disqualification under 28  
21 U.S.C. § 455(b). For these reasons, the Motion will be denied.

22 The court will issue an order consistent with this  
23 memorandum.

24 Dated: June 18, 2008

25   
26 ROBERT S. BARDWIL  
27 United States Bankruptcy Judge  
28

**CERTIFICATE OF MAILING**

The undersigned deputy clerk in the office of the United States Bankruptcy Court for the Eastern District of California hereby certifies that a true copy of the attached document was mailed today to the following entities listed at the address(es) shown below:

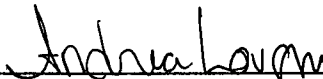
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DATE: June 18, 2008

  
\_\_\_\_\_  
Andrea Lovgren